

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

In re STEVEN WAYNE BONILLA cases) Case Nos. CV-18-7603-DMG (JPR),
) CV-18-7606-DMG (JPR), CV-18-7607-
) DMG (JPR), CV-18-7724-DMG (JPR),
) CV-18-7725-DMG (JPR), CV-18-7726-
) DMG (JPR), CV-18-7696-DMG (JPR),
) CV-18-7699-DMG (JPR), CV-18-7732-
) DMG (JPR), CV-18-7735-DMG (JPR),
) CV-18-7737-DMG (JPR), CV-18-8252-
) DMG (JPR), CV-18-8253-DMG (JPR),
) CV-18-8255-DMG (JPR), CV-18-8256-
) DMG (JPR), CV-18-8257-DMG (JPR),
) CV-18-8258-DMG (JPR), CV-18-8259-
) DMG (JPR), CV-18-8869-DMG (JPR)
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)
) ORDER SUMMARYLY DISMISSING
) COMPLAINTS AND PETITIONS FOR LACK
) OF JURISDICTION AND DECLARING
) PLAINTIFF/PETITIONER A VEXATIOUS
) LITIGANT

BACKGROUND

On July 26, 2017, Steven Wayne Bonilla, a death-row prisoner convicted in Alameda County and housed in Marin County, filed what he styled as "Notice to the Court that the Judgment Is Void on Its Face." (See Bonilla v. Davis, No. CV-17-5536-DMG (JPR) (C.D. Cal. filed July 26, 2018), ECF No. 1 at 1.) The Court construed it as a petition for writ of habeas corpus by a person

1 in state custody under 28 U.S.C. § 2254. He sought his
2 "immediate release" and claimed that if the Court "simply
3 inspect[ed] the items admitted into evidence at trial (murder
4 book)," it would see that a particular subpoena was "never
5 admitted into evidence," making the murder conviction "void on
6 its face." (No. 5536, ECF No. 1 at 2.)¹

7 As noted, Bonilla was convicted in Alameda County (see id.
8 (noting, "Re: Alameda County Superior Court Case No. H-12210-
9 A")); see also Bonilla v. Davis, No. 08-CV-471-YGR, 2015 U.S.
10 Dist. LEXIS 88254, at *1 (N.D. Cal. July 7, 2015), and is housed
11 at San Quentin in Marin County (see No. 5536, ECF No. 1 at 1
12 (listing address)). In an order transferring the Petition to the
13 Northern District, in which both of those counties lie, see 28
14 U.S.C. § 84(a), this Court noted that Bonilla was a "profligate
15 filer" of "hundreds of lawsuits and habeas petitions throughout
16 the Ninth Circuit in the past several years." (No. 5536, ECF No.
17 3 at 1-2.) The Court explained that a habeas petition must be
18 filed in either the judicial district in which a petitioner is
19 located or the district in which he was convicted and sentenced,
20 see 28 U.S.C. § 2241(d), and accordingly transferred the matter
21 to the Northern District. (No. 5536, ECF No. 3 at 2.) The Court
22 also previously noted that he was represented by counsel in his
23 habeas proceedings then pending in that District. (See Bonilla
24 v. Davis, No. 17-CV-8126-DMG (JPR) (C.D. Cal. filed Nov. 9,
25 2017), ECF No. 7 at 2 n.1.) The Petition was thus terminated in
26

27 ¹ Cases filed in this Court are initially cited in full.
28 For the sake of brevity, subsequent references are to the last
four digits of the case number.

1 this District on August 1, 2017.

2 Despite the Court's detailed explanation about its lack of
3 jurisdiction, Bonilla subsequently filed 43 additional case-
4 initiating documents in this District, all challenging his state
5 murder conviction, and 24 of those cases have since been
6 terminated. He currently has 19 cases pending in this Court, all
7 filed from August to October of this year. He has not paid a
8 filing fee for any of them, and because of his long history of
9 filing frivolous actions, under 28 U.S.C. § 1915(g) he is not
10 eligible for *in forma pauperis* status.² On September 10, 2018,
11 this Court issued an Order to Show Cause Why Plaintiff Should Not
12 Be Declared a Vexatious Litigant. Since then, Bonilla has filed
13 responses in each of the cases listed in the Order (see infra
14 sec. II.B.1) and numerous new case-initiating documents as well.³

15 _____
16 ² In some of his filings, Bonilla claims that he need not
17 pay a filing fee because "NO FILING FEE is required when the
18 Court is under a DUTY to vacate the judgment and to immediately
19 release the innocent Petitioner pursuant to [356 F.2d 654;
20 F.R.C.P. § 12 (h)(3), 60(4) and (3) FRAUD UPON THE COURT]."
21 (See, e.g., Bonilla v. Unknown, No. 18-CV-7606-DMG (JPR) (C.D.
22 Cal. filed Aug. 30, 2018), ECF No. 6 (emphases in original).)
23 That is, of course, incorrect. The case he cites, Smith v.
24 Kansas, 356 F.2d 654 (10th Cir. 1966), has nothing to do with
filing fees and was in any event decided in a different Circuit.
Federal Rule of Civil Procedure 12(h)(3) is also not about filing
fees; it states that a court must "dismiss the action" if it
"determines at any time that it lacks subject-matter
jurisdiction." Rule 60(b)(3) and (4) also does not concern
filing fees but rather relates to relief from a final judgment if
it is void or there has been fraud, misrepresentation, or
misconduct.

25 ³ See Bonilla v. Ventura Cnty., No. 18-CV-08252-DMG (JPR)
26 (C.D. Cal. filed Sept. 24, 2018), ECF No. 1 at 1 (arguing that
27 "[t]he Court has NO POWER OR AUTHORITY in Petitioner's case to
lawfully cite 28 USC § 1915(g) or petitioner's representation by
counsel . . . or any other citings [sic] because it lacks
[s]ubject [m]atter [j]urisdiction, [b]ut it has a DUTY, owed to
the Petitioner, to pronounce the trial court's [j]udgment a

1 Each response to the Order to Show Cause contains the same
2 baseless argument that "any judgment, order, or transfer by a
3 court lacking subject matter jurisdiction is void on its face;
4 and the [r]eviewing [c]ourt's jurisdiction is LIMITED to
5 reversing the trial court's void judgment." (See, e.g., Bonilla
6 v. Unknown, No. 18-CV-7603-DMG (JPR) (C.D. Cal. filed Aug. 30,
7 2018), ECF No. 5 at 1; Bonilla v. Unknown, No. 18-CV-7606-DMG
8 (JPR) (C.D. Cal. filed Aug. 30, 2018), ECF No. 5 at 1.) This
9 same argument is made in many of his initial complaints. (See,
10 e.g., Compl. at 1-3, Bonilla v. Rosenbluth, No. 18-CV-7696-DMG
11 (JPR) (C.D. Cal. filed Sept. 5, 2018), ECF No. 1 (noting that
12 "this has []nothing to do with prison issues, conditions nor
13 confinement[] . . . the judgment is void on its face . . . [n]o
14 lawful jurisdiction of subject matter nor of person was, nor has
15 been established on the record").) Neither Bonilla's responses
16 to the Order to Show Cause nor the new case-initiating documents
17 provide any persuasive or legitimate reason why he should not be
18 deemed a vexatious litigant. To the contrary, they demonstrate
19 why such an order is necessary.

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21 NULLITY") (emphases in original); Bonilla v. L.A. Cnty., No. 18-
22 CV-08253-DMG (JPR) (C.D. Cal. filed Sept. 24, 2018), ECF No. 1 at
23 1 (same); Bonilla v. Riverside Cnty., No. 18-CV-08256-DMG (JPR)
24 (C.D. Cal. filed Sept. 24, 2018), ECF No. 1 at 1 (same); Bonilla
25 v. San Luis Obispo Cnty., No. 18-CV-08259-DMG (JPR) (C.D. Cal.
26 filed Sept. 24, 2018), ECF No. 1 at 1 (same); Bonilla v. San
27 Bernardino Cnty., No. 18-CV-08255-DMG (JPR) (C.D. Cal. filed
28 Sept. 24, 2018), ECF No. 1 at 1 (same); Bonilla v. Orange Cnty.,
No. 18-CV-08257-DMG (JPR) (C.D. Cal. filed Sept. 24, 2018), ECF
No. 1 at 1 (same); Bonilla v. Santa Barbara Cnty., No. 18-CV-
08258-DMG (JPR) (C.D. Cal. filed Sept. 24, 2018), ECF No. 1 at 1
(same); Bonilla v. L.A. Cnty., No. 18-CV-08869-DMG (JPR) (C.D.
Cal. filed Oct. 15, 2018), ECF No. 1 at 2 (arguing that reviewing
court has duty to overturn void judgment).

1 Accordingly, for the reasons discussed below, all pending
2 petitions and complaints are DISMISSED for lack of jurisdiction,
3 frivolousness, maliciousness, and failure to state a claim, and
4 Bonilla is declared a vexatious litigant.

BONILLA'S CLAIMS

6 All of Bonilla's actions before this Court challenge his
7 murder conviction and seek his "immediate[] release." (See,
8 e.g., Compl. at 12, Bonilla v. Pham, No. 18-CV-07725-DMG (JPR)
9 (C.D. Cal. filed Sept. 5, 2018), ECF No. 1.) He makes variations
10 of the same arguments in virtually all of them, often including
11 identical portions claiming that "[p]rosecution committed **FRAUD**
12 **UPON THE COURT**" (see, e.g., id. at 9 (emphasis in original)), he
13 is attacking jurisdiction [of the trial court], not "the terms of
14 the judgment nor the conditions of confinement" (see, e.g., id.
15 at 15), a subpoena from 1988 never existed and therefore all the
16 evidence against him was tainted (see, e.g., id. at 6-10), and a
17 coroner's report was falsified (see, e.g., id. at 7). The
18 actions for the most part sue various judges and counties
19 throughout California.

DISCUSSION

21 I. The Court Lacks Jurisdiction over Bonilla's Cases Because
22 Challenges to a Criminal Judgment Must Be Brought in a
23 Pending Habeas Action and Should Be Filed in the County of
24 Conviction

25 Numerous courts (including this one) have repeatedly advised
26 Bonilla that any challenge to his state criminal judgment must be
27 brought in his pending Alameda County federal habeas proceedings,
28 in which he is represented by counsel. (See, e.g., Order

1 Transferring Action at 1-2, Bonilla v. All 58 Cnty., No.
2 18-3259-DMG (JPR) (C.D. Cal. June 1, 2018), ECF No. 3 (noting
3 that Bonilla is represented by counsel in pending habeas action
4 and that this Court lacks jurisdiction to consider his claims));
5 Bonilla v. All 58 Cnty., No. 18-CV-02222-VC (PR), 2018 WL
6 2010950, at *1 (N.D. Cal. Apr. 30, 2018) (noting that challenges
7 to state criminal judgment must be brought in pending habeas
8 action).⁴ Moreover, such challenges should be brought in Alameda
9 County, where he was convicted and sentenced, or Marin County,
10 where he is imprisoned. See 28 U.S.C. § 2241(d); see also
11 generally Braden v. 30th Jud. Cir. Ct., 410 U.S. 484, 499 n.15
12 (1973); Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968);
13 Dubinka v. Mendoza-Powers, No. CV 08-02608-GPS (AN), 2008 WL
14 1944224, at *1 (C.D. Cal. May 2, 2008).

15 Nonetheless, Bonilla continues to file actions in this
16 Court. He claims that "[a] party cannot be precluded from
17 raising the question of jurisdiction at any time and in any
18 place. [67 F.R.D. 22; 148 Cal. App. 2d 845; 272 Cal. App. 2d
19 176, 48 U.S. 495]." (No. 7696, ECF No. 5 at 11.) He further
20 claims that "the [r]eviewing [c]ourt's jurisdiction is LIMITED to
21 reversing the trial court's void judgement. [35 Cal. 4th 180; 759
22 F.2d 809]." (Id. (emphasis in original).) But the cases Bonilla
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24 ⁴ A review of the Northern District's docket shows that
25 Bonilla's federal habeas petition has been stayed as of December
26 13, 2016, so that he can exhaust claims in state court. (See
27 Status Rep. at 1, Bonilla v. Davis, No. 4:08-CV-00471 YGR (N.D.
28 Cal. Oct. 1, 2018), ECF No. 393.) A habeas petition has been
filed in the California Supreme Court and is pending. (See id.
at 2); see also Cal. App. Cts. Case Info., <http://appellatecases.courtinfo.ca.gov/> (search for "Steven" with
"Bonilla" in supreme court) (last visited Oct. 30, 2018).

1 cites do not support his contentions. In Travis Mills Corp. v.
2 Square D. Co., 67 F.R.D. 22 (E.D. Pa. 1975), the court dismissed
3 the action (and vacated the jury's verdict) when it discovered
4 that no diversity jurisdiction existed. See id. at 27-28. That
5 holding bears little resemblance to Bonilla's argument that any
6 court can decide that his trial court lacked jurisdiction and
7 overturn its judgment. (See No. 7696, ECF No. 5 at 11.) The
8 second case he cites concerns a divorce judgment that was
9 remanded after the state court of appeal found that certain parts
10 of the judgment overreached the lower court's jurisdiction. See
11 Carter v. Carter, 148 Cal. App. 2d 845, 850 (1957). Again, that
12 situation is not comparable to the one here. The rest of the
13 cases he relies on are similarly irrelevant. Nowhere does he
14 cite any applicable authority giving this Court, which is in a
15 different county and district from the one where he was tried and
16 sentenced and where he resides, jurisdiction over claims
17 challenging his murder conviction. His contention that he can
18 raise the question of jurisdiction "in any place" (No. 7696, ECF
19 No. 5 at 11) simply has no basis in the law. Accordingly, his
20 pending cases, which all challenge his murder conviction from
21 Alameda County, must be dismissed for lack of jurisdiction as
22 well as for being frivolous and malicious and failing to state a
23 claim upon which relief may be granted.

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1 II. Bonilla Is a Vexatious Litigant and Should Be Required To
2 Obtain Leave of Court Before Filing Any Petition, Complaint,
3 or IFP Application in This District

4 A. Legal standard

5 Central District of California Rule 83-8 governs vexatious
6 litigants. A vexatious-litigant order "shall be based on a
7 finding that the litigant to whom the order is issued has abused
8 the Court's process and is likely to continue such abuse, unless
9 protective measures are taken." See C.D. Cal. R. 83-8.3. A
10 district court should enter a prefiling order limiting a
11 litigant's access to the court only after a "cautious review of
12 the pertinent circumstances." Molski v. Evergreen Dynasty Corp.,
13 500 F.3d 1047, 1057 (9th Cir. 2007) (per curiam); see also De
14 Long v. Hennessey, 912 F.2d 1144, 1149 (9th Cir. 1990) ("[O]rders
15 restricting a person's access to the courts must be based on
16 adequate justification supported in the record and narrowly
17 tailored to address the abuse perceived."). But "[f]lagrant
18 abuse of the judicial process cannot be tolerated because it
19 enables one person to preempt the use of judicial time that
20 properly could be used to consider the meritorious claims of
21 other litigants." De Long, 912 F.2d at 1148.

22 A court must consider four factors in determining whether to
23 deem a litigant vexatious and issue a prefiling order. See
24 Molski, 500 F.3d at 1056-58; De Long, 912 F.2d at 1147-48; Gray
25 v. California, No. CV 13-0742-JVS (SS), 2014 WL 1325312, at *4
26 (C.D. Cal. Apr. 2, 2014).

27 First, the litigant must be given notice and a chance to
28 be heard before the order is entered. Second, the

district court must compile an adequate record for review. Third, the district court must make substantive findings about the frivolous or harassing nature of the plaintiff's litigation. Finally, the vexatious litigant order must be narrowly tailored to closely fit the specific vice encountered.

Molski, 500 F.3d at 1057 (citations omitted).

8 Although the first two factors are procedural in nature, the
9 "latter two . . . are substantive considerations – that is, the
10 factors help the district court define who is, in fact, a
11 'vexatious litigant' and construct a remedy that will stop the
12 litigant's abusive behavior while not unduly infringing on the
13 litigant's right to access the courts." *Id.* at 1057-58.

B. Analysis

15 Despite being advised in August 2017 that the Central
16 District of California lacks jurisdiction over his claims,
17 Bonilla has filed more than 40 case-initiating documents here
18 since the start of 2018 alone, not to mention his numerous
19 filings in pending and closed cases. Indeed, he has filed
20 hundreds of lawsuits across the state, the vast majority of which
21 have been dismissed as frivolous, malicious, or for failure to
22 state a claim.⁵ See, e.g., Bonilla v. Davis, No. 16-CV-05046-VC,

24 ⁵ The Court takes judicial notice of Bonilla's prior filings
25 here as well as in other courts throughout the Ninth Circuit.
26 United States ex rel. Robinson Rancheria Citizens Council v.
27 Borneo, Inc., 971 F.2d 244, 248 (9th Cir. 1992) (court "may take
28 notice of proceedings in other courts, both within and without
the federal judicial system, if those proceedings have a direct
relation to matters at issue"). Bonilla has apparently filed
photocopies of the same documents in various courts. (See, e.g.,
Letter to Mr. Bonilla, Bonilla v. Unknown, 4:18-CV-5049-JSW (N.D.

1 2016 WL 5109995, at *1 & n.1 (N.D. Cal. Sept. 21, 2016)
2 (dismissing claim as frivolous and noting that Bonilla is
3 disqualified from proceeding IFP unless "under imminent danger of
4 serious physical injury" (citing § 1915(g)); In re Bonilla, Nos.
5 C 11-6306 CW (PR), C 11-6307 CW (PR), C 12-0026 CW (PR), C
6 12-0027 CW (PR), & C 12-0206 CW (PR), 2012 WL 216401, at *1, *3
7 (N.D. Cal. Jan. 24, 2012) (dismissing five civil-rights lawsuits;
8 noting Bonilla's litigation history in Northern District of
9 California, including dismissal of 34 pro se civil-rights actions
10 between June 1 and Oct. 31, 2011, alone; and reminding him that
11 he was no longer permitted to file civil actions IFP); In re
12 Bonilla, Nos. C 11-2808 CW (PR), C 11-2823 CW (PR), & C 11-2824
13 CW (PR), 2011 WL 2433380, at *2 (N.D. Cal. June 16, 2011)
14 (dismissing three civil-rights cases for failure to state claim
15 and noting 13 dismissals three days prior).

16 In 2016, the Ninth Circuit barred Bonilla from filing any
17 pro se submissions for as long as he was represented by counsel
18 in the district court. (See Order, Bonilla v. Davis, No. 16-
19 73383 (9th Cir. Dec. 12, 2016), ECF No. 9.) The court did not
20 declare him a vexatious litigant but noted that he had previously
21 filed multiple unwarranted pro se challenges in that court to his
22 state-court murder conviction and death sentence. (See id.)⁶ In
23

24 Cal. filed Aug. 17, 2018), ECF No. 1 (noting that "[t]he
25 documents appear to be copies of the same document mailed to
multiple court locations").)

26 ⁶ A review of the Ninth Circuit's docket shows that Bonilla
27 filed eight actions in that court before the prefiling order took
effect. (Cf. Order at 1, In re Bonilla, No. 15-16444 (9th Cir.
Oct. 21, 2015), ECF No. 4 (denying IFP status because Bonilla had
28 had "three or more prior actions or appeals dismissed as

1 2015, the Northern District of California declared Bonilla a
2 vexatious litigant and barred him from filing new pro se motions
3 (he continues to do so regardless). See Bonilla, 2015 U.S. Dist.
4 LEXIS 88254, at *4-6; (see also Order at 1, Bonilla, No. 16-
5 73383, ECF No. 9 (noting that Bonilla had filed "more than 200
6 pro se filings [in district court], despite being represented by
7 counsel and despite orders directing [him to stop]")). In 2013,
8 the Marin County Superior Court declared him a vexatious
9 litigant. See Marin Cnty. Super. Ct. Pub. Index, <http://www.marincourt.org/PublicIndex> (search for party "Steven Wayne
10 Bonilla" yielding case numbers) (last visited Oct. 30, 2018);
11 Marin Cnty. Super. Ct. Register of Actions, <http://apps.marincounty.org/BeaconRoa/BeaconROASearch.aspx> (search for
12 case type and number CIV 1203101, with result showing that
13 Bonilla was declared vexatious on Feb. 20, 2013) (last visited
14 Oct. 30, 2018).

17 The actions at issue here are yet more examples of Bonilla's
18 flagrant and ongoing disregard for and abuse of the judicial
19 process. Each of the Molski factors demonstrates that he is a
20 vexatious litigant.

21 1. *Notice and opportunity to be heard*

22 Adequate notice with an opportunity to be heard "is a core
23 requirement of due process." Molski, 500 F.3d at 1058. On
24 September 10, 2018, the Court issued an Order to Show Cause and
25 informed Bonilla that the Court would enter a vexatious-litigant
26 order against him unless he showed cause why the Court should not

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frivolous, malicious, or for failure to state a claim".)

1 do so. The Order discussed the legal and factual grounds for
2 declaring him a vexatious litigant and described the
3 consequences. Bonilla filed what appear to be responses to the
4 Order on October 1,⁷ October 12,⁸ and October 15, 2018.⁹ The
5 responses filed on a given date are essentially identical to each
6 other. Bonilla also filed duplicate documents under each case
7 number asserting that "NO FILING FEE is required when the court
8 is under a DUTY to vacate the judgment and to immediately release
9 the innocent Petitioner." (See, e.g., No. 7603, ECF No. 6 at 1
10 (emphasis in original).)

11 Bonilla does not provide any new information in the
12 objections and responses, repeating the same meritless arguments
13 he has been making in his complaints and petitions. He contends
14 that he is "not challenging the terms of the judgment nor the
15 conditions of confinement" but that "any order by a court lacking
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18 ⁷ (See Bonilla v. Unknown, No. 18-CV-7607-DMG (JPR) (C.D.
19 Cal. filed Aug. 30, 2018), ECF No. 5; Bonilla v. Ryan, No. 18-CV-
20 7699-DMG (JPR) (C.D. Cal. filed Sept. 5, 2018), ECF No. 5;
21 Bonilla v. Yabuno, No. 18-CV-7724-DMG (JPR) (C.D. Cal. filed
22 Sept. 5, 2018), ECF No. 5; No. 7725, ECF No. 5; Bonilla v.
23 Stafford, No. 18-CV-07726-DMG (JPR) (C.D. Cal. filed Sept. 5,
24 2018), ECF No. 5; Bonilla v. Wright, No. 18-CV-7732-DMG (JPR)
25 (C.D. Cal. filed Sept. 5, 2018), ECF No. 4; Bonilla v. Duffy, No.
26 18-CV-7735-DMG (JPR) (C.D. Cal. filed Sept. 5, 2018), ECF No. 5;
27 Bonilla v. Hill, No. 18-CV-7737-DMG (JPR) (C.D. Cal. filed Sept.
28 5, 2018), ECF No. 5.)

⁸ (See No. 7607, ECF No. 8; No. 7699, ECF No. 8; No. 7725,
24 ECF No. 8; No. 7726, ECF No. 8; No. 7732, ECF No. 7; No. 7735,
25 ECF No. 8; No. 7737, ECF No. 8.)

⁹ (See No. 7603, ECF No. 5; No. 7606, ECF No. 5; No. 7607,
26 ECF No. 6; No. 7696, ECF No. 5; No. 7699, ECF No. 6; No. 7724,
27 ECF No. 6; No. 7725, ECF No. 6; No. 7726, ECF No. 6; No. 7732,
28 ECF No. 5; No. 7735, ECF No. 6; No. 7737, ECF No. 6; Bonilla v.
L.A. Cnty., No. 18-CV-8869-DMG (JPR) (C.D. Cal. filed Oct. 15,
2018), ECF Nos. 5-6.)

1 subject matter jurisdiction is void on its face," so the
2 reviewing court has a "duty to pronounce the trial court's
3 judgment a nullity." (See, e.g., No. 7603, ECF No. 5 at 1
4 (emphases omitted); No. 7606, ECF No. 5 at 1 (same).) He also
5 states that "[a] party cannot be precluded from raising the
6 question of jurisdiction at any time and in any place." (See,
7 e.g., No. 7603, ECF No. 5 at 1 (emphasis omitted); No. 7606, ECF
8 No. 5 at 1 (same).) The responses styled as objections and filed
9 on October 1 contain mostly the same content as the responses
10 filed on October 15, but the objections have lengthy attachments
11 containing repetitive and irrelevant material. (See, e.g., No.
12 7607, ECF No. 5 at 2, 7, 9-10, 12-14, 24, 30, 33, 37 (asserting
13 that alleged failure to enter 1988 subpoena into evidence
14 necessitates overturning his conviction), 5 (asserting that his
15 complaint about jurisdiction is "not a habeas corpus action"), 10
16 (arguing that he is "not challenging his conviction or sentence
17 but the decision/judgment of the court was rendered without
18 subject matter jurisdiction"); see also No. 7725, ECF No. 1 at 15
19 (asserting that he is attacking jurisdiction, not "the terms of
20 the judgment nor the conditions of confinement"), 6-10 (claiming
21 that missing subpoena necessitates overturning his conviction).)
22 Although Bonilla's responses to the Order to Show Cause fail to
23 provide any information that would warrant allowing him to
24 continue to file actions in this Court, he clearly has had
25 adequate notice and an opportunity to be heard.

26 2. *Record for review*

27 "An adequate record for review should include a listing of
28 all the cases and motions that led the district court to conclude

1 that a vexatious litigant order was needed." De Long, 912 F.2d
2 at 1147. A district court need not list every case filed by a
3 litigant, but "the record needs to show, in some manner, that the
4 litigant's activities were numerous or abusive." Id.

5 Attached as Exhibit A is a record of Bonilla's cases from
6 the Central District's docket. Since mid-2017, he has initiated
7 at least 24 unsuccessful actions in this Court. Each was
8 dismissed for lack of jurisdiction and for being frivolous and
9 malicious and failing to state a claim. (See, e.g., Order Re
10 Request to Proceed Without Prepayment of Filing Fees, Bonilla v.
11 Unknown, No. CV-17-7757-DMG (JPR) (C.D. Cal. Oct. 27, 2017), ECF
12 No. 4 (noting that "his claims are nonsensical and frivolous").)
13 The at least 19 cases that remain pending before this Court are
14 equally meritless. Thus, the Court bases its findings on an
15 adequate record for review. See Molski, 500 F.3d at 1059
16 (finding that vexatious-litigant decision need not list every
17 case filed by litigant to be adequate); Gray, 2014 WL 1325312, at
18 *5 (finding that exhibit attaching docket record showing 19
19 unsuccessful actions was sufficient record for review).

20 3. *Substantive findings regarding the frivolous and*
21 *harassing nature of Bonilla's litigation*

22 The Court's substantive findings regarding the nature of
23 Bonilla's filings "go[] to the heart of the vexatious litigant
24 analysis[.]" Molski, 500 F.3d at 1059. To decide whether a
25 litigant's actions are frivolous or harassing, a court must "look
26 at both the number and content of the filings as indicia of the
27 frivolousness of the litigant's claims." Stimac v. Wieking, 785
28 F. Supp. 2d 847, 854 (N.D. Cal. 2011) (citing Molski, 500 F.3d at

1 1058). A litigant's claims "must not only be numerous, but also
2 be patently without merit." Molski, 500 F.3d at 1059 (citing Moy
3 v. United States, 906 F.2d 467, 470 (9th Cir. 1990)). As
4 previously discussed, Bonilla's claims in this Court are both
5 numerous and meritless. Given the sheer quantity of his filings
6 (see Ex. A), it would be unduly burdensome to address the
7 specifics of each action. The following examples further
8 demonstrate the frivolousness and harassing nature of his
9 litigation in this Court:

10 Bonilla v. Unknown, No. 17-CV-8202-DMG (JPR) (C.D. Cal.
11 filed Nov. 9, 2017). The Complaint argued that "all of the
12 Judges of the United States District Court" "aided, in collusion
13 with the civil conspiracy, to murder me by depriving me of my
14 guaranteed Constitutional Rights" and "must remove [themselves]
15 from the bench." (Id., Compl. at 1-2, ECF No. 1.) In dismissing
16 the case for lack of jurisdiction, among other reasons, the Court
17 noted that Bonilla had filed "literally hundreds of lawsuits all
18 over the country" and "most of them ha[d] been dismissed as
19 frivolous, malicious/or [sic] for failure to state a claim."

20 Bonilla v. Alameda Cnty. Prosecutor Jon Goodfellows, No. 18-
21 CV-00685-DMG (JPR) (C.D. Cal. filed Jan. 26, 2018). IFP status
22 was denied and the Complaint, which argued that Goodfellows
23 "fraudulently prosecuted the case against the Petitioner for a
24 crime that was never committed, nor ever existed" (id., Compl. at
25 3, ECF No. 1), was dismissed for, among other reasons, being
26 "[f]rivolous, malicious, or fail[ing] to state a claim" and
27 "lack[ing] jurisdiction."

28 Bonilla v. Alvarez, No. 18-CV-6574-DMG (JPR) (C.D. Cal.

1 filed July 31, 2018). IFP status was denied and the Complaint
2 "raising jurisdictional question" and claiming that Defendant
3 acted "in concert to aid in the Prosecution's [c]ivil
4 [c]onspiracy to appease the news media" (id., Compl. at 3, ECF
5 No. 1) was dismissed for, among other reasons, lack of
6 jurisdiction and being "[a]ll three": "[f]rivolous, malicious,
7 [and] fail[ing] to state a claim."

8 These examples reflect Bonilla's broader pattern of pursuing
9 frivolous litigation in this Court. See Gray, 2014 WL 1325312,
10 at *6 (using select examples to show pattern of frivolous and
11 harassing litigation). To apparently no avail, this Court has
12 informed him many times that any action challenging his murder
13 conviction must be brought in his pending habeas proceedings, in
14 which he is represented by counsel. Thus, substantive findings
15 militate strongly in favor of limiting his ability to waste the
16 Court's time and resources with future frivolous litigation.

17 4. *Narrowly tailored vexatious-litigant order*

18 A prefiling order must be "narrowly tailored to the
19 vexatious litigant's wrongful behavior." Molski, 500 F.3d at
20 1061. An order requiring a plaintiff to obtain leave of court to
21 file any suit may be overbroad when the plaintiff has been
22 litigious with only one group of defendants. See Moy, 906 F.2d
23 at 470. Bonilla has filed frivolous and harassing lawsuits
24 seeking relief from a statewide range of defendants. Moreover,
25 he appears to have no connection to this jurisdiction. Under the
26 circumstances, an order requiring him to obtain leave of court
27 before filing any pro se complaint, petition, or IFP application
28 is an appropriate and narrowly tailored course of action.

* * *

For all these reasons, Bonilla has abused the Court's process and is likely to continue to do so unless protective measures are taken.

ORDER

6 For the foregoing reasons, the pending complaints and
7 petitions are DISMISSED with prejudice, Bonilla is deemed a
8 vexatious litigant, and the Clerk of the Court is directed not to
9 file any *pro se* petition, complaint, or IFP application from him
10 unless he has previously been granted leave to file the document
11 by a judge of this Court. Bonilla must submit a copy of this
12 Order with any proposed filing. See C.D. Cal. R. 83-8.2
13 (permitting Court to issue orders such as directives to Clerk not
14 to accept further filings from litigant without written
15 authorization from judge of Court or other such orders as
16 appropriate to control conduct of vexatious litigant). The Clerk
17 is directed to administratively close all the pending complaints
18 and petitions. LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: October 31, 2018

DOLLY M. GEE
UNITED STATES DISTRICT JUDGE

Presented by: ¹⁰

Jean Rosenbluth
Jean Rosenbluth
U.S. Magistrate Judge

¹⁰ See C.D. Cal. R. 72-3.2 (authorizing Magistrate Judge to prepare summary-dismissal order for District Judge's signature).

EXHIBIT A

Select A Case

Steven Wayne Bonilla is a petitioner in 2 cases.

[2:17-cv-05536-DMG-JPR](#) Steven Wayne Bonilla v. Ronald Davis filed 07/26/17 closed 08/01/17

[2:17-cv-08126-DMG-JPR](#) Steven Wayne Bonilla v. Ronald Davis et al filed 11/07/17 closed 11/20/17

Select A Case

Steven Wayne Bonilla is a plaintiff in 15 cases.

<u>2:17-cv-07757- DMG-JPR</u>	Steven Wayne Bonilla v. Unknown	filed 10/24/17 closed 10/27/17
<u>2:17-cv-08202- DMG-JPR</u>	Steven Wayne Bonilla v. Unknown	filed 11/09/17 closed 11/16/17
<u>2:18-cv-00685- DMG-JPR</u>	Steven Wayne Bonilla v. Alameda County Prosecutor Jon Goodfellows et al	filed 01/26/18 closed 02/05/18
<u>2:18-cv-00728- DMG-JPR</u>	Steven Wayne Bonilla v. Jon Goodfellow et al	filed 01/29/18 closed 02/01/18
<u>2:18-cv-00988- DMG-JPR</u>	Steven Wayne Bonilla v. Santa Barbara County et al	filed 02/06/18 closed 02/13/18
<u>2:18-cv-07696- DMG-JPR</u>	Steven Wayne Bonilla v. Jean P. Rosenbluth et al	filed 09/05/18
<u>2:18-cv-07699- DMG-JPR</u>	Steven Wayne Bonilla v. William C. Ryan	filed 09/05/18
<u>2:18-cv-07732- DMG-JPR</u>	Steven Wayne Bonilla v. Unknown	filed 09/05/18
<u>2:18-cv-07735- DMG-JPR</u>	Steven Wayne Bonilla v. Jacquelyn H. Duffy	filed 09/05/18
<u>2:18-cv-07737- DMG-JPR</u>	Steven Wayne Bonilla v. Brian Hill et al	filed 09/05/18
<u>2:18-cv-08252- DMG-JPR</u>	Steven Wayne Bonilla v. Ventura County	filed 09/24/18

2:18-cv-08253- Steven Wayne Bonilla v. Los Angeles County filed 09/24/18
DMG-JPR

2:18-cv-08256- Steven Wayne Bonilla v. Riverside County filed 09/24/18
DMG-JPR

2:18-cv-08259- Steven Wayne Bonilla v. San Luis Obispo filed 09/24/18
DMG-JPR County

8:18-cv-00207- Steven Wayne Bonilla v. Orange County et al filed 02/06/18 closed 02/13/18
DMG-JPR

Select A Case

Steven Wayne Bonilla is a petitioner in 4 cases.

<u>2:18-cv-01309-DMG-JPR</u>	Steven Wayne Bonilla v. Ventura County et al	filed 02/16/18 closed 02/23/18
<u>2:18-cv-01443-DMG-JPR</u>	Steven Wayne Bonilla v. San Luis Obispo County et al	filed 02/21/18 closed 02/27/18
<u>2:18-cv-02516-DMG-JPR</u>	Steven Wayne Bonilla v. Warden	filed 03/28/18 closed 04/23/18
<u>2:18-cv-03259-DMG-JPR</u>	Steven Bonilla v. All 58 Counties	filed 04/18/18 closed 06/01/18

Select A Case

Steven Wayne Bonilla is a plaintiff in 19 cases.

[2:18-cv-04019-UA](#) Steven Wayne Bonilla v. Jean P. Rosenbluth filed 05/14/18 closed 06/29/18

[2:18-cv-04194-DMG-JPR](#) Steven Wayne Bonilla v. William C. Ryan filed 05/18/18 closed 05/25/18

[2:18-cv-04715-DMG-JPR](#) Steven Wayne Bonilla v. Raimundo Motes De Oca filed 05/29/18 closed 06/01/18

[2:18-cv-05019-DMG-JPR](#) Steven Wayne Bonilla v. Chad Firetag filed 06/06/18 closed 06/11/18

[2:18-cv-05020-DMG-JPR](#) Steven Wayne Bonilla v. Cheri T. Pham filed 06/06/18 closed 06/11/18

[2:18-cv-05021-DMG-JPR](#) Steven Wayne Bonilla v. Elaine M. Kiefer filed 06/06/18 closed 06/11/18

[2:18-cv-05022-DMG-JPR](#) Steven Wayne Bonilla v. R. Glenn Yabuno filed 06/06/18 closed 06/11/18

[2:18-cv-05023-DMG-JPR](#) Steven Wayne Bonilla v. Gregory S. Tavill filed 06/06/18 closed 06/11/18

[2:18-cv-05024-DMG-JPR](#) Steven Wayne Bonilla v. Charles E. Stafford filed 06/06/18 closed 06/11/18

[2:18-cv-06574-DMG-JPR](#) Steven Wayne Bonilla v. Nancy Alvarez et al filed 07/31/18 closed 08/17/18

[2:18-cv-06576-DMG-JPR](#) Steven Wayne Bonilla v. Kevin J. Lane et al filed 07/31/18 closed 08/17/18

2:18-cv-07075-UA Steven Wayne Bonilla v. Dolly M. Gee et al filed 08/15/18 closed 10/04/18

2:18-cv-07230-DMG-JPR Steven Wayne Bonilla v. R. Loupe et al filed 08/17/18 closed 08/21/18

2:18-cv-07603-DMG-JPR Steven Wayne Bonilla v. Unknown filed 08/30/18

2:18-cv-07606-DMG-JPR Steven Wayne Bonilla v. Unknown filed 08/30/18

2:18-cv-07607-DMG-JPR Steven Wayne Bonilla v. Unknown filed 08/30/18

2:18-cv-07725-DMG-JPR Steven Wayne Bonilla v. Cheri T. Pham filed 09/05/18

2:18-cv-07726-DMG-JPR Steven Wayne Bonilla v. Firetag et al filed 09/05/18

2:18-cv-08869-DMG-JPR Steven Wayne Bonilla v. Los Angeles County, et al filed 10/15/18

Select A Case

Steven Wayne Bonilla is a plaintiff in 4 cases.

2:18-cv-07724-DMG-JPR Steven Wayne Bonilla v. Glenn Yabuno et al filed 09/05/18

2:18-cv-08255-DMG-JPR Steven Wayne Bonilla v. San Bernardino County filed 09/24/18

2:18-cv-08257-DMG-JPR Steven Wayne Bonilla v. Orange County filed 09/24/18

2:18-cv-08258-DMG-JPR Steven Wayne Bonilla v. Santa Barbara County filed 09/24/18

